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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,772	09/11/2000	John K. Schneider	13325.0030	4904
7590	03/10/2004			
Martin G Linihan Esquire Hodgson Russ Andrews Woods & Goodyear LLP One M&T Plaza Suite 2000 Buffalo, NY 14203-2391			EXAMINER	AHMED, SAMIR ANWAR
			ART UNIT	PAPER NUMBER
			2623	11
DATE MAILED: 03/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/659,772	SCHNEIDER ET AL.
	Examiner Samir A. Ahmed	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 December 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-6 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

1. The amendment filed 12/08/03 have been entered and made of record.
2. In response to the amendment filed 12/08/03, the 112, first paragraph to claim 2 is withdrawn.
3. In response to the amendment filed 12/08/03, the objection to the drawings is withdrawn.
4. Applicant has substantially amended independent claim 1 and changed its scope. Applicant's arguments filed 12/08/03 have been fully considered but they are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the sensor" in line3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. Claims 1,3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sadowsky (U.S. Patent 3,614,737) and Butler (U.S. Patent 4,357,597).

As to claim 1, Sadowsky discloses an automatic finger-positioning guide for fingerprint scanners comprising:

a) an active scan area on the scanner surface upon which one finger rests [Figs. 1 and 4, show the middle finger 30 rests on top of the scanning slot 68 (active scan area on the scanner surface)] and a non-active area on the scanner surface on which one or more of the other fingers rest to provide stability [Figs. 1 and 4, show other fingers of the hand 18 rest on the top flat surface 16 (non-active scan area on the scanner surface) to provide stability];

b) a stop post on the scanner surface to indicate how far to place the hand longitudinally thereof, the stop post being located on the scanner surface in relation to the active scan area so as to contact the vertex defined between the side of the one finger and the side of an adjacent finger when the hand is properly in place [Figs. 1 and 4 show a hand positioning guide 20 mounted on the top surface 16. Scanning slot 68 is located with respect to positioning guide 20 so that when the hand 18 of an individual is placed on the surface 16, the positioning guide is adjacent the finger which is to be utilized for the scan. The end 74 (stop post) of the positioning guide 20 abuts the "V" 72 formed between the index finger and the ring finger (the vertex defined between the side of the one finger and the side of an adjacent finger) to indicate how far to place the hand longitudinally];

c) a guide post on the scanner surface to assist in positioning the finger laterally, the guide post being located on the scanner surface in relation to the active scan area so as to contact a portion of the side finger at a location between the stop post and the finger tip when the hand is properly in place [Figs. 1 and 4 show a hand positioning guide 20 mounted on the top surface 16. Scanning slot 68 is located with respect to

positioning guide 20 so that when the hand 18 of an individual is placed on the surface 16, the positioning guide is adjacent the finger which is to be utilized for the scan. The surface of plate 70 (guidepost) is pressed against one side of the finger 30 at a location between the end 74 (stop post) and the tip of the finger.]. Sadowsky discloses that the invention is used for a selected finger of the hand, however is equally applicable to the palm of the hand (col. 4, lines 22-28). The middle finger is positioned over the scanning slot 68 as described above and kept in place using a pressure plate 76 and a connecting shaft 88 (col. 7, lines 35-55). Sadowsky does not disclose,

d) means to indicate when the hand is properly in place.

Butler discloses a palm positioning and actuating mechanism properly positioning a person's palm in a palm-positioning area. As shown in figs 1,2, and 3, a person positions the forefinger along the inclined sides of the forefinger-engaging member 20 (guide post) and the inner ends of the ring and little fingers are positioned in engagement with roller 44 (stop post) to properly position the person's palm over the scanning area 18. The pressure applied to member 20 (guide post) actuates switch actuating member 22 provided to member 20 and the pressure applied to roller 44 (stop post) actuates switch actuating member 48 provided to roller 44, thereby actuating micro-switches which energize lamps 44 and 66 (indicators) indicating proper positioning of the person's hand. One of ordinary skill in the art would recognize that using a pressure plate 76 and a connecting shaft 88 to keep one side of the user's finger pressed against the guide post and the "V" formed between the index finger and the ring finger abuts the stop post in order to orient the hand on the scanning surface so

as to bring the designated skin area into proper alignment with the active scanning area is not convenient to the user. It would have been obvious to one with ordinary skill in the art at the time the invention was made to use Butlers teachings to modify Sadowsky's positioning guide by providing switch actuating members to the guide post and the stop post, which upon sensing the pressure of the user's hand, actuate micro-switches which energize lamps (indicators) indicating proper positioning of the person's hand in order to orient the user's hand on the scanning surface so as to bring the designated skin area into proper alignment with the active scanning area in a convenient way to the user without exerting any pressure on his fingers. Proper orientation of the hand relative to the scanner position would speed up and increase the degree of accuracy of the correlation and comparison of the acquired skin pattern with the stored representations.

As to claim 3, Butler further discloses, wherein pressure sensitive membrane switches are provided on the stop post and on the guide post [The pressure applied to member 20 (guide post) actuates switch actuating member 22 (pressure sensitive membrane switch) provided to member 20 and the pressure applied to roller 44 (stop post) actuates switch actuating member 48 provided to roller 44 (col. 3, lines 10-19)].

As to claim 4, Sadowsky further discloses, wherein left-hand guideposts and stop posts are provided on the scanner surface (Fig. 1 and 3 show left hand guide posts and stop posts), and Butler further discloses right-hand guideposts and stop posts are provided on the scanner surface (Figs.2, 3).

As to claim 5, Butler further discloses, further including a visual indicator on the scanner operatively connected to the sensor to signal when the hand is properly in place (col. Col. 3, lines 19-21).

As to claim 6, Butler further discloses, wherein a sensor is on at least one of the posts to indicate when the hand is properly in place (col. 3, lines 9-21).

Allowable Subject Matter

8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

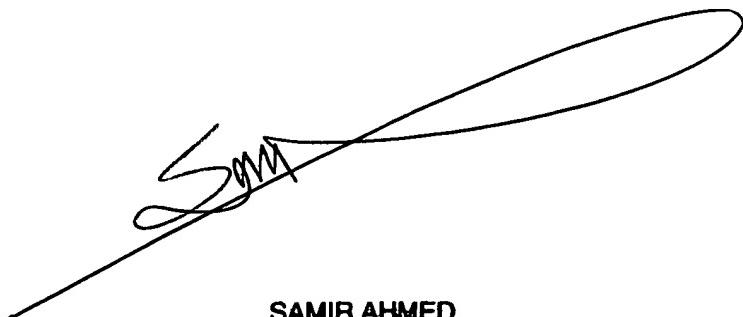
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir A. Ahmed whose telephone number is 703-305-9870. The examiner can normally be reached on Mon-Fri 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SA



SAMIR AHMED
PRIMARY EXAMINER